

L3
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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, December 14, 2015

CASE NUMBER: C15-2015-0146

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

APPLICANT: WILLIAM HODGE

OWNER: Daniel Chieng

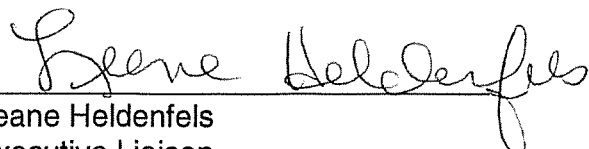
ADDRESS: 2805 RIVERCREST DR

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

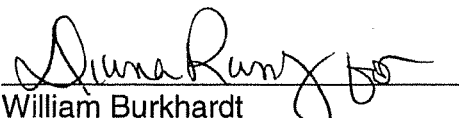
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 9, 2015, Board Member Melissa Neslund second on a 8-0 vote; POSTPONED TO NOVEMBER 9, 2015; Nov 9 POSTPONED TO DECEMBER 14, 2015 BY APPLICANT; Dec 14, 2015 POSTPONED TO JANUARY 11, 2016 BY APPLICANT

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, November 9, 2015

CASE NUMBER: C15-2015-0146

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen

APPLICANT: WILLIAM HODGE

OWNER: Daniel Chieng

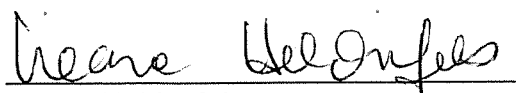
ADDRESS: 2805 RIVERCREST DR

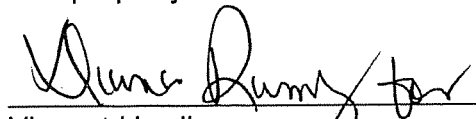
VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

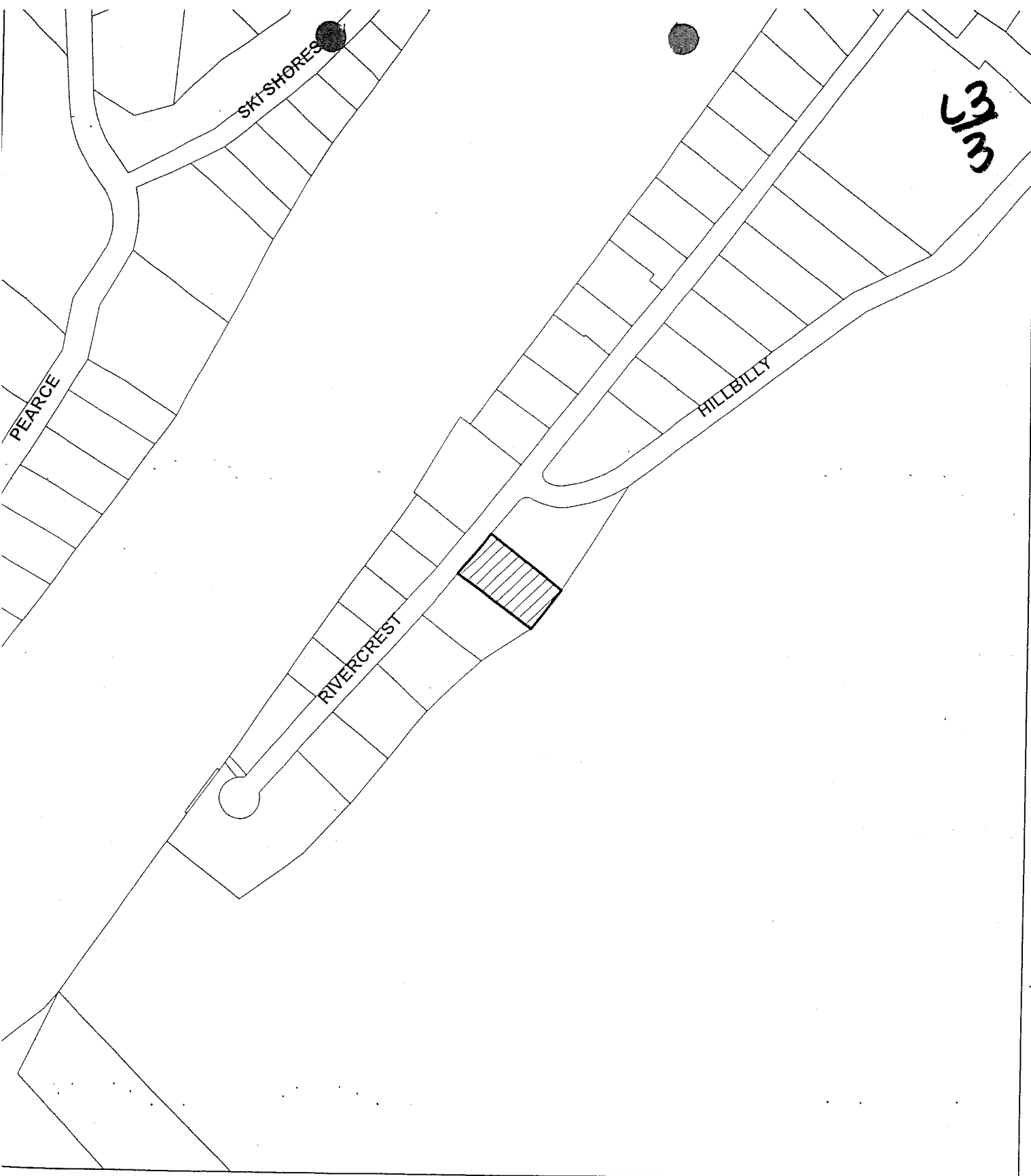
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 9, 2015, Board Member Melissa Neslund second on a 8-0 vote; **POSTPONED TO NOVEMBER 9, 2015; Nov 9 POSTPONED TO DECEMBER 14, 2015 BY APPLICANT**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

NOTIFICATIONS
CASE#: C15-2015-0146
2805 RIVERCREST DR.

" = 292 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 12, 2015

CASE NUMBER: C15-2015-0146

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ n/a ☐ Eric Goff
☐ Y ☐ Vincent Harding
☐ Y ☐ Melissa Hawthorne **Motion to PP 11/9/15**
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Melissa Neslund **2nd the Motion**
☐ Y ☐ James Valadez
☐ out ☐ Michael Von Ohlen

APPLICANT: WILLIAM HODGE

OWNER: Daniel Chieng

ADDRESS: 2805 RIVERCREST DR

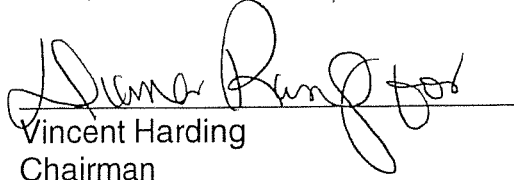
VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 9, 2015, Board Member Melissa Neslund second on a 8-0 vote; **POSTPONED TO NOVEMBER 9, 2015.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

CASE# C15-2015-046
ROW# 11412754
TAX# 0129210125

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CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 2805 Rivercrest Dr. Austin, TX 78746

LEGAL DESCRIPTION: Subdivision — Rivercrest Addition Sec 1

Lot(s) 22 Block B Outlot _____ Division _____

I/We William L Hodge on behalf of myself/ourselves as authorized agent for

Daniel Chieng affirm that on Aug 17, 2015,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

a single family residence with a setback of 32' (rather than 40')

in a LA district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

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VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The required septic field for this property combined with the topography do not allow for a reasonable slab area for the proposed house.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

no other property in the general vicinity was required to meet the 40' setback requirements of LA zoning

- (b) The hardship is not general to the area in which the property is located because:

no other property in the general vicinity was required to meet the 40' setback requirements of LA zoning

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not result in a house with a setback that is closer to the front property line than other properties in the vicinity;

will not result in reduction of views as the proposed 32' setback is further back than other properties in the vicinity; and the property does not abut the lakeshore.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed William L. Hodge Mail Address 1706 W 6th St

City, State & Zip Austin, TX 78703

Printed William L. Hodge Phone 512.710.5140 Date 08/17/2015

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Daniel Cheng Mail Address 11601 Anatole CT.

City, State & Zip Austin, TX 78748

Printed DANIEL CHENG Phone 512.799.8910 Date 8/17/2015

SCALE: 1"=60'

There is a house here

LEGEND
 ● IRON ROD PND.
 ○ CALCULATED POINT
 ○ PTE. PND.

RIVERCREST ADDITION
 SECTION 1
 B.C. 1st P.G. 27

LOT 23

LOT 22
 SUBJECT LOT

LOT 21

LOT 20

LOT 19

LOT 18
 OWNER REFUSED ACCESS

LOT 17

RIVERCREST DRIVE
 (50' R.O.W.)

RIVERCREST DRIVE
 (50' R.O.W.)

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21
 B L O C K " A

LOT 22

LOT 23

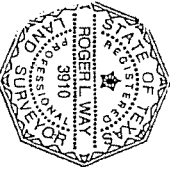
LOT 24

There is a house here as well

L A K E A U S T I N



ALL POINTS SURVEYING
 1714 FORTVIEW ROAD - SUITE 200
 AUSTIN TX 78704
 TEL: (512) 440-0071 - FAX: (512) 440-0189
 TPA# REGISTRATION # 1001900



Robert L. Way

• IMPORTANT NOTICE •

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND WITHOUT ADEQUATE RESEARCH OF THE RECORDS AND EXISTENT AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AND INTERFERENCES, EASEMENTS AND SERVITUDES MAY AFFECT LOT 22.

SURVEYOR'S NOTES

() DENOTES RECORDED INFORMATION
 THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNMENT OR HOA OR OWNER'S ASSOCIATION.
 THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.
 ALL POINTS DOES NOT HAVE OR WARRANT ANY TUDOR ZONE DETERMINATION.

FILE NO.	NO.	DATE
2521	10	08-26-13
2521	11	08-26-13
2521	12	08-26-13
2521	13	08-26-13
2521	14	08-26-13
2521	15	08-26-13
2521	16	08-26-13
2521	17	08-26-13
2521	18	08-26-13
2521	19	08-26-13
2521	20	08-26-13
2521	21	08-26-13
2521	22	08-26-13
2521	23	08-26-13
2521	24	08-26-13
2521	25	08-26-13
2521	26	08-26-13
2521	27	08-26-13
2521	28	08-26-13
2521	29	08-26-13
2521	30	08-26-13

Heldenfels, Leane

From: Justin Jensen [REDACTED]
Sent: Monday, October 12, 2015 11:56 AM
To: Heldenfels, Leane
Subject: Building Setback variance for 2805 Rivercrest - Case Number: C15-2015-0146
Attachments: 2805RivercrestFlooding.jpg; IMG_20151012_115118.jpg

Hi Leane,

Nice talking to you on the phone a little while ago :)

I'm writing to object the setback variance request at 2805 Rivercrest due to increased flooding risk to the surrounding lots. Our home flooded in 2013. This is not something we ever want to experience again.

2805 Rivercrest is at the bottom of a steep hill and has serious flooding concerns. Recent excavation appears to have cut open the ground water table, which increased water flow and created an even steeper grade. (see attached photo) Running water over the street increases flood risk to 2806, 2808 & 2900. Running water through the street drain increases flood risk to 2902 and 2900.

A variance to enable more land to be covered with a building would result in more water running through 2805 to the surrounding properties.

I plan to attend the hearing also. Thank you!

Justin Jensen

----- Forwarded message -----

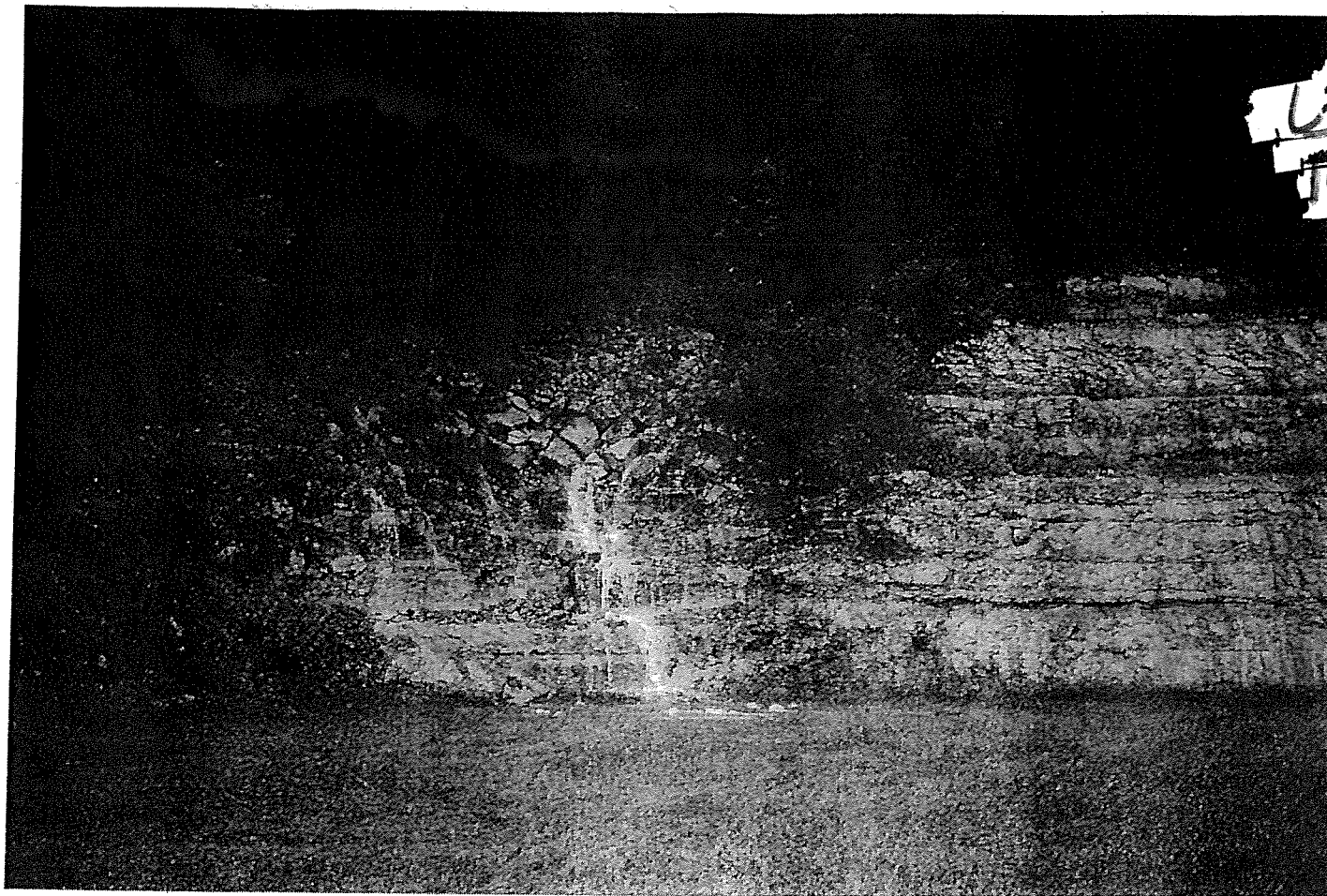
From: Justin Jensen <[REDACTED]>
Date: Mon, Oct 12, 2015 at 11:46 AM
Subject: Building Setback variance for 2805 Rivercrest - Case Number: C15-2015-0146
To: Daniel Chieng and Sherry Wu <[REDACTED]>
Cc: "B. [REDACTED]" <[REDACTED]>, Greenwood Cindy <[REDACTED]>
Greenwood John <[REDACTED]>, James Dean <[REDACTED]>, " [REDACTED]" <[REDACTED]>, Allison M Jensen <[REDACTED]>

Hi all,

I spoke with Leana Heldenfels at the City, who kindly told me this case should be heard between 9:30-11:00 PM and to be there by 9:00. She also said you can email your position before noon (in a few minutes).

Daniel,

I look forward to meeting you tonight, and I hope you can work out the drainage on your lot and are able to build the perfect home for your family there :)



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Heldenfels, Leane

From: Ann Roe <[REDACTED]>
Sent: Monday, October 12, 2015 1:08 PM
To: Heldenfels, Leane
Subject: C15-2015-0146 2805 Rivercrest

Leane,

I am writing about the case C15-2015-0146. We live across the street at 2902 Rivercrest. I wanted the City to be aware that the site has been excavated at least 3 times without a permit.

In fact I don't believe that without the repeated illegal excavations that ANY building would have been possible.

I have pictures of two of the events. This one below is from August 2011. We are opposed to the granting of any variances on the setback. This lot floods with every heavy rainfall. The entire hillside drains at 2805 Rivercrest. You can see how flooding and rainfall has arranged the rocks on the hillside of this lot. Changing the setback and building on this lot will cause additional floodwaters to be diverted to the existing homes around this property.

Sincerely,
Ann Roe

Heldenfels, Leane

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From: Ann Roe [mailto:aroe15@gmail.com]
Sent: Monday, October 12, 2015 1:23 PM
To: Heldenfels, Leane
Subject: C15-2015-0146 2805 Rivercrest

Leanne,

Here is another photo from October 8, 2014. The owners used heavy equipment to remove a large section of the hillside. When I contacted the county and the city I was told they did not have a permit and the operation was shut down but not until most of the hillside had been removed. The owners also removed a large older pecan from the property using the heavy machinery without a permit.

While I have these photos taken from the street, Google Earth should be able to show the excavation work done from year to year on the property. This property had a much smaller flat section before the excavation was repeatedly done on the hillside.

I am planning on being at the hearing tonight.

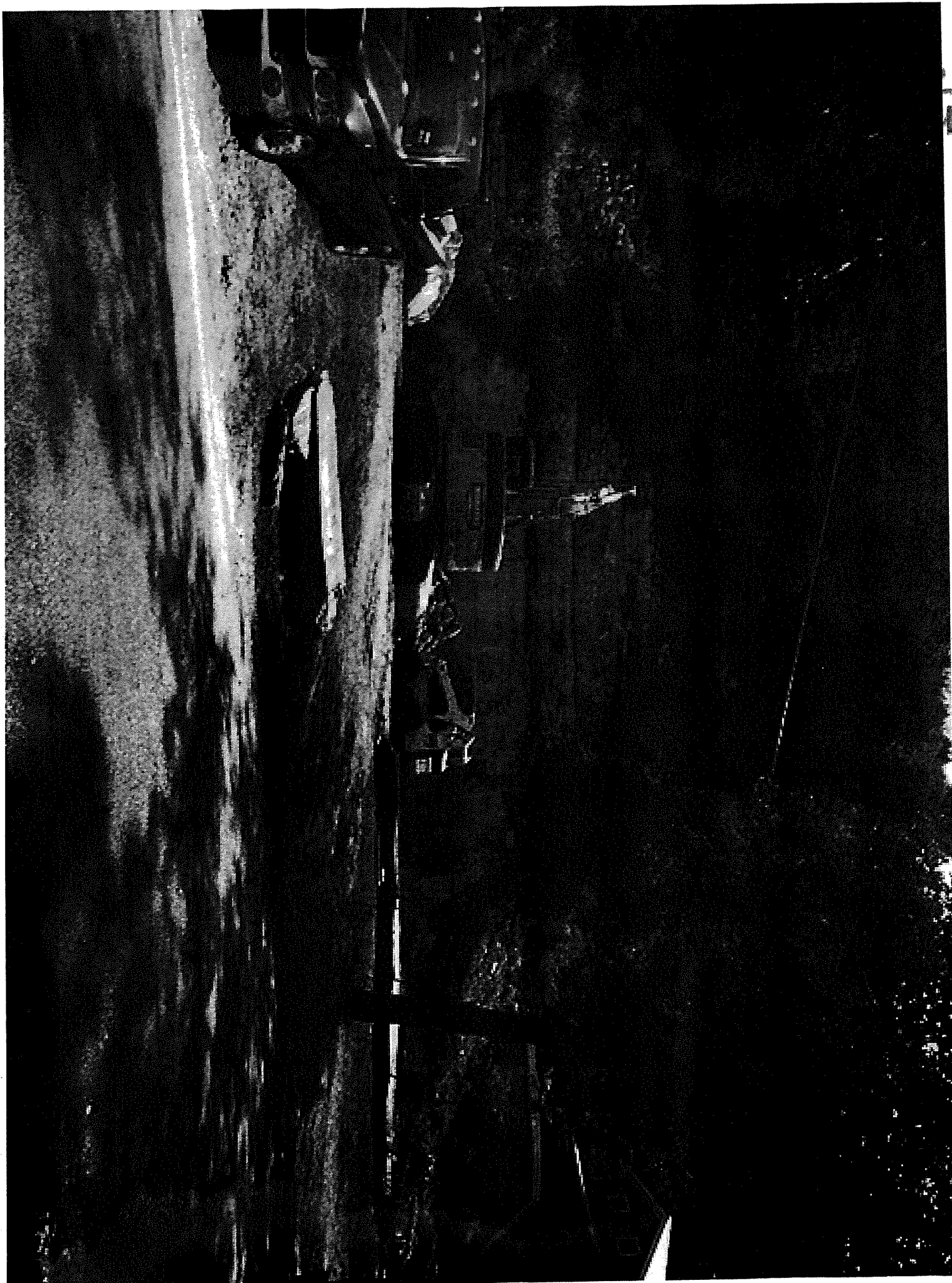
Thanks,
Ann Roe



L3
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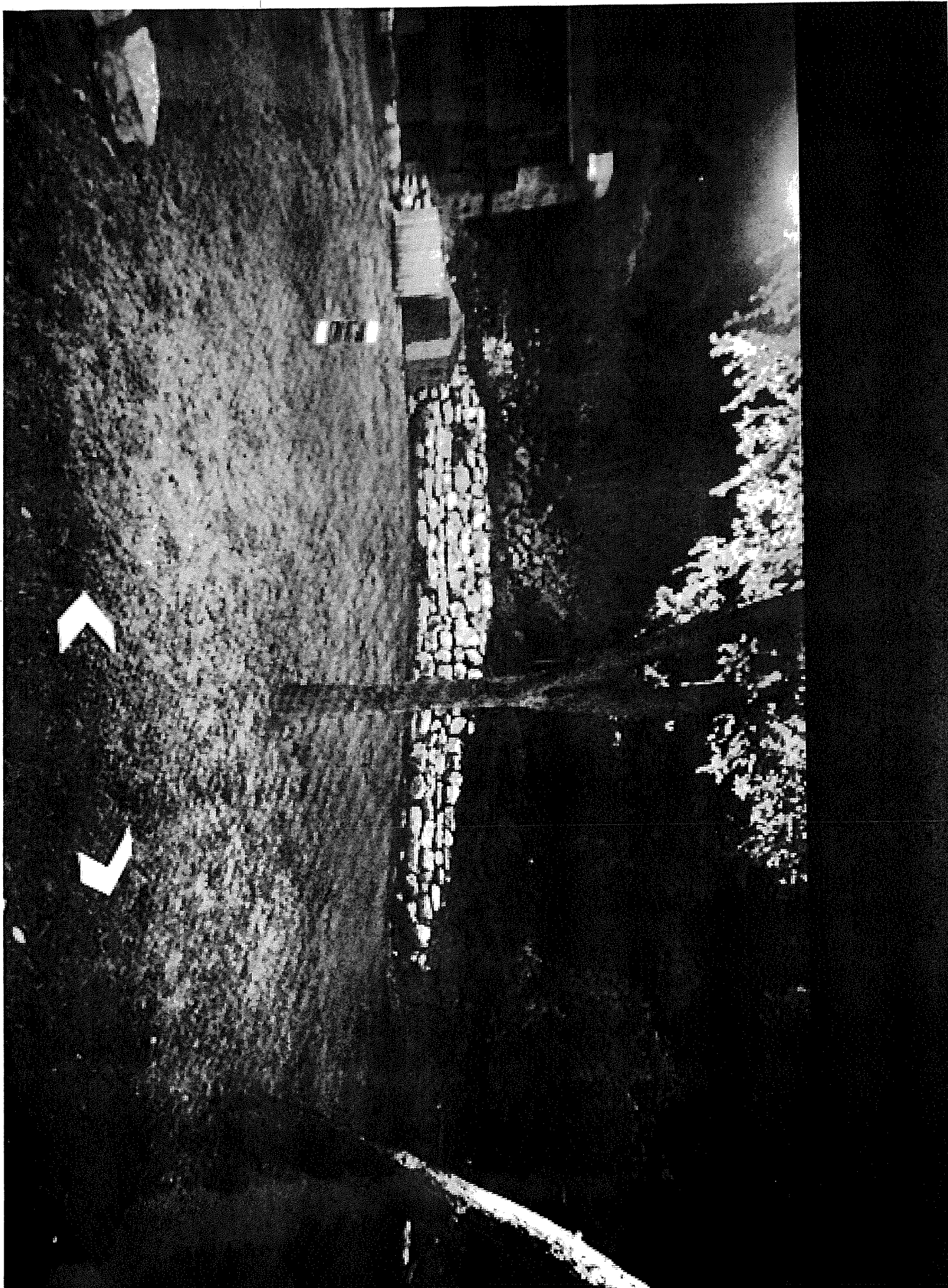
045-2015-0149 October 3, 2014



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F5

August 2, 2011





2010

